

Appl. No.: 10/725,222
Amendment Dated June 7, 2005
Reply to Office Action of March 10, 2005

REMARKS/ARGUMENTS

The allowance of Claim 16 and the indication of allowability of Claim 11 are acknowledged with appreciation. By this response, Claim 11 has been rewritten into independent form incorporating the substance of parent claim 10 and therefore should be in condition for immediate allowance.

Claims 10 and 12-15 were rejected under 35 U.S.C. § 112, first paragraph as based upon a non-enabling disclosure because the fibers of the second layer were not recited as being noncircular. As now amended, Claim 10 specifies that the fibers of the second layer of a trilobal cross section. Therefore, this rejection has been overcome.

Claim 3 has been amended to clarify the antecedent basis and Claim 5 has been amended to correct the claim dependency. Accordingly, it is believed that all of the issues under 35 U.S.C. § 112 have been overcome.

The declaration has been objected to as defective. It appears that when the declaration was submitted in response to the Notice of Missing Parts, the signature page for the assignment was mixed up with the signature page for the declaration. Submitted herewith is a copy of the originally signed declaration with the correct signature page attached.

Original Claims 1 and 4 were rejected under 35 U.S.C. § 102(b) as being anticipated by Braun et al. U.S. Patent No. 4,778,460. Certain of the other claims were rejected under 35 U.S.C. § 103 as being unpatentable over either Braun alone or Braun in combination with Largman, Ortega and/or Murphy. Applicant submits that Claims 1, 3-10 and 12-15 are clearly patentable over the Braun reference, whether considered singly or in combination with the above-noted secondary references.

Braun discloses a multi-layer nonwoven fabric formed from two layers of nonwoven web, wherein one of the layers is made from monofilaments having a bilobal cross section. The multilayer fabric is particularly designed to have improved softness and tensile strength so that it can be used as a liner for a disposal diaper. In such applications, the fabric comes into direct contact with the skin, and therefore softness is a vitally important characteristic. An essential feature of the Braun invention involves the use of bilobal-shaped monofilaments. Braun states that the bilobal-shaped filaments impart particular advantages. In particular, as described at Col.

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10, lines 36-45, the softness is in large part attributable to the nonwoven layer of bilobal cross section filaments.

In the obviousness rejection, the Examiner recognized that the Braun reference has a layer of bilobal cross section filaments and fails to teach the combination of a trilobal and four or more lobe cross section in the respective layers of the composite. The Examiner contended that it would have been obvious in view of Largman to provide fibers having three lobes rather than the bilobal fibers of Braun.

However, it should be evident from the teachings of Braun that the presence of bilobal cross section fibers is an essential and important aspect of the Braun invention in order to achieve the necessary softness. Therefore, it would not have been obvious to a person of ordinary skill in the art to substitute trilobal fibers for the bilobal fibers of Braun. Moreover, Braun's explicit teachings regarding the importance of bilobal fibers would lead the person of ordinary skill in the art away from this substitution in cross sectional shapes. Clearly, there is no motivation for the change proposed by the Examiner. Moreover, by emphasizing the importance of the bilobal cross-section fibers, Braun actually teaches away from the modified structure as proposed by the Examiner.

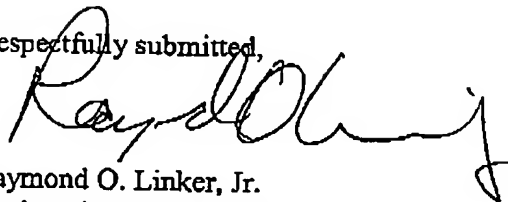
Applicant's invention, through the use of a combination of trilobal fibers and fibers with four or more lobes, produces a composite structure with enhanced stiffness and air permeability. These properties are in direct contrast to the softness properties sought by Braun. For the reasons noted, it is submitted that the claims as now presented patentably distinguish over the cited prior art. Reconsideration by the Examiner and formal notification of the allowability of the remaining claims of record are respectfully submitted.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required

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therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

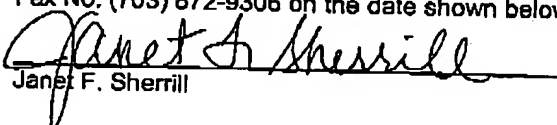


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CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the U. S. Patent and Trademark Office at Fax No. (703) 872-9306 on the date shown below.


Janet F. Sherrill

June 7, 2005
Date